

172. The method claimed in claim 161 wherein the step of preprocessing said data further comprises transmitting said data to a content manager for determining how said data is handled.

173. The method claimed in claim 172 further including transmitting said data from said content manager to an information gateway for building data stocks and assigning addresses to said data blocks.

174. The method claimed in claim 173 further including transmitting said data from said content manager to an information gateway for preparing said data blocks for transmission to receivers.

175. The method claimed in claim 173 wherein said step of transmitting said data from said content manager to said information gateway for building data blocks and assigning addresses to said data block, further comprises the step of: building data blocks and assigning addresses to said data block based on information in a subscriber database.

176. A method for transmitting data to selected electronic devices, comprising the steps of:  
transmitting data from an information source to a central broadcast server;  
preprocessing said data at said central broadcast server;  
transmitting preprocessed data to receivers communicating with said electronic devices;  
notifying said electronic devices of receipt of said preprocessed data; and  
said electronic devices using said preprocessed data to access a system that is not controlled by an operator of the central broadcast server

177. The method claimed in claim 176 wherein the electronic devices includes electronic devices with computing capabilities.

178. The method claimed in claim 176 wherein the electronic devices include consumer electronic devices.

#### REMARKS

Claims 1 through 50 and 56 through 178 are pending. In the Office Action mailed April 24, 2002 (Paper No. 6), two claims numbered as claim 9 were objected to under 37 CFR 1.75(f) for failing to be numbered consecutively, and claim 53 was objected to under 37 CFR 1.75(c) for being an improper dependent claim. Claims 1 through 3, 14 through 25, 29 through 36, 44, 49 through 50, 60 through 66, 78 through 84, 96 through 107, 111 through 118, 126, 131, 132, 137 through 143, 153 through 158, and 161 through 178 were rejected under 35 U.S.C. § 103(a) as being obvious over McCoy et al. U.S. Patent No. 5,790,958 (hereinafter "McCoy") in view of

Ammons, B., "RBDS for Your Station!" <http://www.crlsystems.com/crl/tech/rbds.htm>, Circuit Research Labs, Inc. pp. 1-13, Sep. 1995 (hereinafter "*Ammons*"), and May, U.S. Patent No. 5,043,721 (hereinafter "*May*"). Claims 4 through 6, 67 through 69, 85 through 87, and 144 through 146 were rejected under 35 U.S.C. § 103(a) as being obvious over *McCoy* in view of *Ammons* and *May* and further in view of Schwob, U.S. Patent 5,732,338 (hereinafter "*Schwob*"). Claims 7 through 13, 59, 70 through 77, 82 through 95, 136, and 147 through 154 were rejected under 35 U.S.C. § 103(a) as being obvious over *McCoy* in view of *Ammons* and *May* and further in view of Rossman, U.S. Patent 5,809,415 (hereinafter "*Rossman*") and Jacobson, U.S. Patent No. 5,422,652 (hereinafter "*Jacobson*"). Claims 37 through 43, 45 through 48, 56, 57, 119 through 125, 127 through 130, 133, and 134 were rejected under 35 U.S.C. § 103(a) as being obvious over *McCoy* in view of *Ammons* and *May* and further in view of Beam, M., "A Summary of Broadcasting Technologies and Potential Applications in Today's Market," [http://www.dungeon.com/~start/rds\\_0030.html](http://www.dungeon.com/~start/rds_0030.html), pp. 1-8, 1994 (hereinafter "*Beam*"). Claims 26 through 28 and 108 through 110 were rejected under 35 U.S.C. § 103(a) as being obvious over *McCoy* in view of *Ammons* and *May* and further in view of U.S. Patent 5,701,302 granted to Geiger (hereinafter "*Geiger*"). Claims 51 through 55 were rejected under 35 U.S.C. 101 as claiming the same invention as claims 1, 2, and 75 through 77 of U.S. Patent 6,021,433. Claims 1 through 50 and 56 through 178 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 through 50 and 56 through 81 of U.S. Patent No. 6,021,433. These rejections are respectfully traversed.

#### **Objections to Information Disclosure Statement**

In regards to the objection to the Motorola reference dated July 24, 1995. Applicants note that this reference was reviewed by the Examiner in the parent application, U.S. Patent 6,021,433. Pursuant to MPEP 904, Applicants respectfully request that the parent application be reviewed for pertinent prior art.

#### **Objections to the Specification**

Applicants believe that the written description explicitly sets forth structure corresponding to the means plus function claims. In particular, Figures 1 through 3 and 11 of the specification disclose various systems and items of hardware, whereas other Figures of the

specification disclose processes that can be implemented using such systems and items of hardware. In particular, Applicants believe that the Federal Circuit does not require amendment of the written description:

Serrano also argues that the structure for implementing the "determination means" should be limited to use of discrete logic circuitry, which is used in the embodiment disclosed in the specification. We do not agree. Although the specification discloses such circuitry as a preferred embodiment, it also states that "it should be recognized to those of ordinary skill in the art that a microprocessor-based system could also be used wherein the logical decisions are configured in software." '517 patent, col. 10, lines 46-50. Thus, the specification clearly evidences that the invention is not limited to use of discrete logic circuitry and may alternatively be implemented using a microprocessor operating under software control. See *id.* Accordingly, we construe the "determination means" limitation to mean the function of determining when the last digit or number is dialed and to permit structure that includes digit analysis or use of a time-out feature, being implemented in discrete logic or with a microprocessor operating under software control, and equivalents of such structures.

*Serrano v. Telular Corp.*, 111 F.3d 1578, 1583 (Fed. Cir. 1997). If the single sentence of Serrano was sufficient to support means plus function claims covering a microprocessor operating under software control, then the much more extensive description in the present application must surely suffice. Applicants respectfully request that any means plus function elements that are believed to be only implicit or inherent in the specification be, identified using the test set forth by the Federal Circuit in *Serrano* as a guide.

### **Objections to the Claims**

Claims 82 through 178 have been amended to more clearly define the subject matter to which the claims are directed. Applicants believe that these claim amendments not only remove the objections noted, but also place all pending claims in condition for allowance.

### **Section 75(c) and 75(f) Rejections**

Claims 9.a (the first claim numbered "9") and 9.b (the second claim numbered "9") were objected to under 37 CFR 1.75(f) for failing to be numbered consecutively, and claim 53 was objected to under 37 CFR 1.75(c) for being an improper dependent claim. Claim 9.b has been cancelled without prejudice or disclaimer. Claim 53 has been cancelled without prejudice or disclaimer. Claims 82 through 159 were objected to as not being substantially different from

claims 1 through 50, 56 through 81 and 91. The claim amendments are believed to remove the grounds for rejection under Section 75(c) and 75(f).

### **Section 103(a) Rejections**

Claims 1 through 3, 14 through 25, 29 through 36, 44, 49 through 50, 60 through 66, and 78 through 84, 96 through 107, 111 through 118, 126, 131, 132, 137 through 143, 153 through 158, and 161 through 178 were rejected under 35 U.S.C. § 103(a) as being obvious over *McCoy* in view of *Ammons* and *May*. Claims 4 through 6, 67 through 69, 85 through 87 and 144 through 146 were rejected under 35 U.S.C. § 103(a) as being obvious over *McCoy* in view of *Ammons* and *May* and further in view of *Schwob*. Claims 7 through 13, 59, 70 through 77, 88 through 95, 136, and 147 through 154 were rejected under 35 U.S.C. § 103(a) as being obvious over *McCoy* in view of *Ammons* and *May* and further in view of *Rossman* and *Jacobson*. Claims 37 through 43, 45 through 48, 56, 57, 119 through 125, 127 through 130, 133, and 134 were rejected under 35 U.S.C. § 103(a) as being obvious over *McCoy* in view of *Ammons* and *May* and further in view of *Beam*. Claims 26 through 28 and 108 through 110 were rejected under 35 U.S.C. § 103(a) as being obvious over *McCoy* in view of *Ammons* and *May* and further in view of *Geiger*.

*McCoy* in view of *Ammons*, *May*, *Schwob*, *Rossman*, *Jacobson*, *Beam*, and *Geiger* fails to provide a prima facie basis for the rejection of claims 1 through 178, because they fail to disclose each element of the claimed inventions. In particular, it is alleged that *May* discloses “means for notifying said computing devices wherein said remote computing devices are notified of receipt of said preprocessed data whether said computing devices are on or off.” In fact, the cited portion of *May* states that “the microprocessor can be programmed to “wake up” a turned off portable computing device upon the reception of a page signal.” Thus, *May* only discloses that the portable computing device can be woken up, i.e. turned on, upon receipt of a page signal, not “means for notifying said computing devices wherein said remote computing devices are notified of receipt of said preprocessed data whether said computing devices are on or off.” The claimed invention does not require the remote computing device to be turned on upon receipt of preprocessed data, whereas *May* does require the remote computing device to be turned on upon receipt of preprocessed data. In one exemplary embodiment, the remote device could be notified of receipt of preprocessed data by a separate interface system that does not require the device to

be turned on, such as that shown in Figure 11 of the application. Applicants thus respectfully request withdrawal of the claim rejections and that these claims be allowed to issue.

### **Double Patenting Rejections**

Claims 51 through 55 were rejected under 35 U.S.C. 101 as claiming the same invention as claims 1, 2, and 75 through 77 of U.S. Patent 6,021,433. Claims 1 through 50 and 56 through 178 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 through 50 and 56 through 81 of U.S. Patent No. 6,021,433. These rejections are respectfully traversed.

Claims 51 through 55 are hereby cancelled without prejudice or disclaimer. A terminal disclaimer will be filed upon allowance of the claims if the nonstatutory double patenting rejection is maintained as to the allowed claims.

### **CONCLUSION**

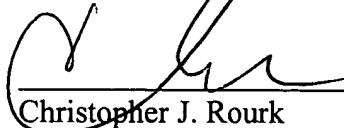
In view of the foregoing remarks and for various other reasons readily apparent, Applicants submit that all of the claims now present are allowable, and withdrawal of the rejections and a Notice of Allowance are courteously solicited.

If any impediment to the allowance of the claims remains after consideration of this request for reconsideration, and such impediment could be alleviated during a telephone interview, the Examiner is invited to telephone the undersigned at (214) 969-4669 so that such issues may be resolved as expeditiously as possible.

No additional fee is believed due. If any other applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Akin, Gump, Strauss, Hauer & Feld, L.L.P., No. 01-0657.

A marked-up version of the changes made to the specification and claims by the current amendment is attached hereto.

Respectfully Submitted,



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Date: December 12, 2002

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